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Attorneys for Proposed Lead Plaintiff Louisiana Municipal Police Employees' Retirement System

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

HCL PARTNERS LIMITED PARTNERSHIP,
on behalf of itself and all others similarly
situated,

Plaintiff,

v.

LEAP WIRELESS INTERNATIONAL, INC.,
S. DOUGLAS HUTCHESON, DEAN M.
LUVISA, AMIN I. KHALIFA and
PRICEWATERHOUSECOOPERS, LLP,

Defendants.

) No. 07-CV-02245-BTM-NLS
)

CLASS ACTION

) **NOTICE OF MOTION AND MOTION**
)

OF LOUISIANA MUNICIPAL POLICE
)

EMPLOYEES' RETIREMENT SYSTEM
)

TO CONSOLIDATE RELATED
)

ACTIONS, FOR APPOINTMENT AS
)

LEAD PLAINTIFF AND FOR
)

APPROVAL OF LEAD PLAINTIFF'S
)

SELECTION OF LEAD COUNSEL

)
)

) DATE: March 28, 2008
)

) TIME: 11:00 a.m.
)

) CTRM: Courtroom 15 (5th Fl.)
)

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) PER CHAMBERS, NO ORAL ARGUMENT
)

) UNLESS REQUESTED BY COURT.

)

CAPTION CONTINUES ON NEXT PAGE

1	FRANK CHAREK, Individually and on behalf)	No. 07-CV-2256-BTM-NLS
2	of all others similarly situated,)	<u>CLASS ACTION</u>
3	Plaintiff,)	
4)	
5	v.)	
6	LEAP WIRELESS INTERNATIONAL, INC.,)	
7	S. DOUGLAS HUTCHESON, MARK H.)	
8	RACHESKY, AMIN I. KHALIFA, GLENN)	
9	UMETSU and DEAN M. LUVISA,)	
10	Defendants.)	
11	DEVAY CAMPBELL, Individually and on)	No. 07-CV-2297-BTM-NLS
12	behalf of all others similarly situated,)	<u>CLASS ACTION</u>
13	Plaintiff,)	
14)	
15	v.)	
16	LEAP WIRELESS INTERNATIONAL, INC.,)	
17	S. DOUGLAS HUTCHESON, MARK H.)	
18	RACHESKY, AMIN I. KHALIFA, GLENN)	
19	UMETSU and DEAN M. LUVISA,)	
20	Defendants.)	
21	KENT CARMICHAEL, Individually and on)	No. 08-CV-0128-BTM
22	behalf of all others similarly situated,)	<u>CLASS ACTION</u>
23	Plaintiff,)	
24)	
25	v.)	
26	LEAP WIRELESS INTERNATIONAL, INC.,)	
27	S. DOUGLAS HUTCHESON, MARK H.)	
28	RACHESKY, AMIN I. KHALIFA, and DEAN)	
	M. LUVISA,)	
	Defendants.)	

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that on March 28, 2008, at 11:00 a.m., or as soon thereafter as this matter may be heard in the courtroom of the Honorable Barry Ted Moskowitz, located at Courtroom 15, 5th Floor, 940 Front Street, San Diego, California, 92101-8900, Louisiana Municipal Police Employees' Retirement System ("MPERS") will move this Court pursuant to

1 Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 (the “Exchange Act”), as amended
2 by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), 15 U.S.C. § 78u-
3 4(a)(3)(B), for an Order:

- 4 (a) consolidating all related actions;
- 5 (b) appointing MPERS as Lead Plaintiff for a class (the “Class”) of investors in the
6 publicly traded securities of Leap Wireless International, Inc. (“Leap” or the
7 “Company”); and
- 8 (c) approving Berman DeValerio Pease Tabacco Burt & Pucillo (“Berman DeValerio”)
9 as Lead Counsel for the Class.

10 This motion is made on the grounds that MPERS, an institutional investor, is the most
11 adequate plaintiff, as defined by the PSLRA, based on its losses of approximately \$132,375.00
12 which were suffered as a result of defendants’ wrongful conduct as alleged in the above referenced
13 actions and as discussed in the accompanying Memorandum of Points and Authorities in Support
14 of the Motion of MPERS to Consolidate Related Actions, For Appointment as Lead Plaintiff and
15 for Approval of its Selection of Lead Counsel (“Memorandum of P&A”). Further, MPERS
16 satisfies the requirements of Rule 23(a) of the Federal Rules of Civil Procedure, as its claims are
17 typical of those of the other members of the proposed Class, and it will fairly and adequately
18 represent the Class. In addition, MPERS has selected and retained counsel with extensive
19 experience in successfully prosecuting securities fraud class actions to serve as Lead Counsel for
20 the Class.

21 This motion is also made on the grounds that consolidation is proper since the actions
22 involve common questions of law and fact.

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This motion is based upon this Notice, the attached Memorandum of P&A, the Declaration of Nicole Lavallee, the Certification of R. Randall Roche, the pleadings and other files herein and such other written and oral arguments as may be presented to the Court.

Dated: January 28, 2008

BERMAN DeVALERIO PEASE TABACCO BURT & PUCILLO

By: /s/ Nicole Lavallee
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